

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 10/21/2013	NUMBER 03.02.131
SUBJECT PRISONER STATE ADMINISTRATIVE BOARD PROPERTY CLAIMS		SUPERSEDES NEW	
		AUTHORITY MCL 600.6401 - 600.6475	
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POLICY STATEMENT:

This policy provides prisoners with a method for seeking compensation for loss or damage of their personal property (less than \$1,000).

RELATED POLICIES/PROCEDURES:

PD 04.07.112 Prisoner Personal Property
OP 03.02.131 Prisoner State Administrative Board Property Claims

DEFINITIONS:

"Prisoner" under this policy refers not only to prisoners housed in Correctional Facility Administration (CFA) facilities but also to incarcerated prisoners housed in the Special Alternative Incarceration Program (SAI) and Field Operations Administration (FOA) residential re-entry facilities.

"Warden" under this policy refers to the Warden of a CFA facility and to the Warden of an FOA Re-entry Facility.

FORMS:

DTMB-1104 Claim Against the State of Michigan for Personal Losses of Less Than \$1,000

POLICY:

GENERAL INFORMATION

- A. The Court of Claims Act, MCL 600.6419 vests the State Administrative Board with discretionary authority, on the advice of the Attorney General, to hear, consider, determine, and allow any claim against the State in an amount less than \$1,000. The Department of Corrections has the authority and responsibility to investigate such claims made in relation to the Department, to make recommendations for reimbursement and to forward claims and recommendation for reimbursement to the State Administrative Board in a timely manner.
- B. In order to be eligible for reimbursement from the State Administrative Board a prisoner's claim must meet all of the following conditions:
 - a. The prisoner did not contribute to the loss or damage;
 - b. The loss or damage was caused by staff action or inaction;
 - c. The prisoner can clearly establish ownership of the property; and
 - d. The property was in the sole control of the Department when lost or damaged.
- C. Personal property reimbursable under this policy must fall within property the prisoner is allowed to have at the time of the loss pursuant to PD 04.07.112, Prisoner Personal Property, and be supported by documentation showing valid purchase either in the prisoner's possession or as a matter of Department record.

MAKING A CLAIM

- D. Within 7 calendar days of becoming aware of personal property loss or damage, a prisoner who believes s/he has a valid claim for personal property loss or damage meeting the criteria in Paragraph B of this policy shall

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request form DTMB-1104, Claim Against the State of Michigan for Personal Losses of Less Than \$1,000, from the local Grievance Coordinator at his/her facility. **Within 7 calendar days after receiving the form, the prisoner shall complete the form, have it notarized, attach any supporting information, and mail it to the Manager, Grievance Section, Office of Legal Affairs. If a prisoner files after 7 calendar days of receiving the DTMB-1104 form and no reasonable cause is found for the delay, the Department may recommend non-payment of the claim. The prisoner is responsible for maintaining personal copies of all documents submitted.**

PROCESSING THE CLAIM ON BEHALF OF THE DIRECTOR

E. Upon receipt by the Manager, Grievance Section, Office of Legal Affairs, all materials shall be reviewed and logged for tracking purposes. The claim shall be reviewed for completeness. Any documents required for making a recommendation to the State Administrative Board shall be listed in a letter sent to the Warden with a copy of the submitted package. Upon receipt, the Warden shall initiate an investigation to:

1. Review documents submitted by the prisoner for completeness and to evaluate authenticity of the documents. If the documents appear to be altered or falsified, the prisoner shall be charged with a misconduct. Any misconduct charged in relation to the validity of a prisoner's submission of a DTMB-1104 form shall be elevated at review to a Class I violation.
2. Search for any lost items that the Warden has reason to believe may be found.
3. Collect the required documents from MDOC accounting or other records or give reasons why the documents cannot be obtained.
4. Determine whether or not reimbursement from the Prisoner Benefit Fund is appropriate and notify the prisoner if s/he needs to apply for such reimbursement.

F. Within 30 calendar days of receipt of the claim by the Warden, the Warden shall forward the results of the investigation to the Manager, Grievance Section, Office of Legal Affairs. Based on the prisoner's submission and results of the Warden's investigation, a copy of the full claim and recommendation for payment or non-payment of the claim shall be forwarded to the Administrative Board Secretary for consideration by the State Administrative Board. Recommendations for reimbursement made by the Manager, Grievance Section, Office Of Legal Affairs, on behalf of the Director of the Department of Corrections will be made in the following manner:

1. For claims that do not meet the conditions set forth in Paragraph B, the recommendation shall be that no reimbursement be made.
2. For claims meeting the conditions set forth in Paragraph B, the recommendation for payment shall be made for the verified cost of the item established by documentation during the investigation, minus the standard depreciation amount established in Paragraph G of this policy.
3. If prisoner possession is established during the investigation but no exact price can be established through verifiable receipts, reimbursement shall be according to **Attachment A, Guide to Average Cost Reimbursement For Prisoner Personal Property**, except as directed in Paragraph G of this policy.

G. The following standardized depreciation schedule for claims applies:

<u>Period in which loss/damage has occurred*</u>	<u>Allowed Reimbursement</u>
a. Day 1 through the first year of ownership	100%
b. Second year of ownership	80%
c. Third year of ownership	60%
d. Fourth year of ownership	40%
e. Fifth year of ownership	20%
f. Beyond the fifth year (residual value)	10%

*"Day 1" in the schedule is the date the prisoner received the item as near as can be determined.

H. Reimbursement shall not normally be recommended for items with a useful life of less than one (1) year or

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that have a value of \$1.00 or less.

- I. Any reimbursement from the prisoner benefit fund or other source (e.g. vendor credit, store credit, or restitution from another prisoner) shall be deducted from the amount recommended to the State Administrative Board for reimbursement.
- J. Notice of the Administrative Board decisions and directions for paying the claim, when applicable, shall be forwarded to:
 - 1. The Warden;
 - 2. The prisoner; and
 - 3. The Regional Business Manager serving the facility/area responsible for paying the claim.
- K. All Office of Legal Affairs transactions related to this policy shall be recorded in the electronic State Administrative Board (SAB) Claims database.
- L. The Manager, Grievance Section, Office Of Legal Affairs, shall, in odd calendar years, forward **Attachment A, Average Cost Schedule For Prisoner Personal Property**, to the Administrator, Bureau of Fiscal Management, who within 30 calendar days shall provide recommendations for updating the average cost schedule based on the range of current prices for each item sold in the prisoner stores and from catalogs of approved vendors for the Department.

PROCEDURE

- M. A statewide procedure will be developed for this policy within 60 days of publication.

AUDIT ELEMENTS

- N. A primary audit elements list has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

APPROVED: DHH 10/3/13

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ATTACHMENT A

AVERAGE COST SCHEDULE FOR PRISONER PERSONAL PROPERTY

Item	Average Cost	
	Male	Female
Athletic Supporter	5.00	0.00
Bathrobe	30.00	30.00
Beard Trimmer	25.00	---
Belt	10.00	10.00
Books (Hardcover)	**	**
Brassiere	---	15.00
Calculator	10.00	10.00
Cap/Hat	6.00	6.00
Cassette Tape Case	6.00	6.00
Cassette Tape	6.00	6.00
Cassette Tape Player	30.00	30.00
Curling Iron	---	8.00
Curtains/Draperies	20.00	20.00
Dress	0.00	30.00
Doorrags	2.50	2.50
Ear Buds/Earplugs	2.00	2.00
Electric Razor/Trimmers/Clippers	20.00	20.00
Extension Cord – 6 FT/9 FT	2.50/2.80	2.50/2.80
Eyeglasses	75.00	75.00
Footlocker	**	**
Girdle	0.00	20.00
Gloves/Mittens (Winter)	8.00	8.00
Hair Dryer	15.00	15.00
Headphones	27.00	27.00
Hobbycraft Tools/Completed Items	**	**
Jewelry	**	**
Shoes - Jogging/Tennis/Canvas	40.00	40.00
Lamp	5.00	5.00
Leisure Games	3.00	3.00
Lock	7.00	7.00
MP3 Player	**	**
Musical Instrument	**	**
Overshoes/Boots	50.00	50.00
Pajamas/Nightgown	20.00	20.00
Radio	20.00	20.00
Radio/Tape Player Adapter	7.00	7.00
Recreation Equipment	**	**
Religious Items	**	**
Scrapbooks/Photo Albums	7.00	7.00
Sewing Machine	**	**
Shirt/Blouse	15.00	15.00
Shoes	25.00	25.00
Shower Shoes	3.00	3.00
Skirt	0.00	20.00
Slip	0.00	10.00
Slippers	10.00	10.00
Socks (per pair)	3.00	3.00
Sunglasses	7.00	7.00
Sweater	15.00	15.00
Sweatpants/Sweatshirt	15.00	15.00
Televisions (\$80-\$145)	112.50	112.50
Television Antenna	5.00	5.00
Thermal Underwear - Top/Bottom	10.00	10.00
Towel	2.00	2.00
T-Shirt	3.00	3.00
Trousers/Slacks/J Jeans	30.00	30.00
Typewriter (\$120-\$200)	160.00	160.00
Underwear/Panties/Boxer Shorts	4.00	4.00
Walking/Athletic Shorts	15.00	15.00
Watch	**	**
Winter Coat/Jacket (\$30-\$90)	60.00	60.00

****Reimbursement shall be determined on a case-by-case basis based on available documentation**

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ATTACHMENT B

NON-REIMBURSABLE ITEMS

Unless unusual circumstances apply, prisoners shall not be reimbursed for items that:

1. Have a useful life of one (1) year or less;
2. Are expendable;
3. Have a value of \$1.00 or less; or
4. Have an undetermined value.

Examples of such items are:

- Batteries
- Calendars
- Catalogs
- Cosmetics
- Food Items
- Hangers
- Hobbycraft Supplies (this does not necessarily include tools or completed items)
- Magazines
- Newspapers
- Nylons/Pantyhose
- Paperback Books
- Perishable Items
- Photocopied Materials (including legal materials)
- Religious Oils
- Personal Photographs
- Toiletries
- Washcloths

This list is not all-inclusive.

Metered Envelopes - Reimbursement will be considered when the item was under the sole control of the Department at the time of loss or damage, and the amount and/or duplication cost of the item can be established.